

REMARKS

Applicants express appreciation to the Examiner for consideration of the subject patent application, and for the telephone interview granted May 10, 2006 (hereinafter referred to as the "telephone interview"), with the present inventors and their counsel, Garron Hobson and Jason Jones. This Response is in reply to the non-final Office Action mailed March 7, 2006 (hereinafter referred to as the "Office Action").

Claims 1, 3, 4, 8-28, 33, 36-40 and 42-48 were pending at the time the Office Action was issued. Claims 42-48 were allowed. Claims 1, 3, 4, 8-28, 33 and 37-40 were rejected. Claims 15, 23, 25, 36 and 39 have been canceled without prejudice. Claims 1, 3, 4, 8-14, 16-22, 24, 26-28, 33, 37, 38, 40 and 42-48 remain in the application.

New dependent claims 49-58 have been added herein. Support for new claims 49-58 can be found in at least FIGs. 14b and 14c of the specification as filed.

Applicants express appreciation to the Examiner for the indication, in the Office Action, of allowable subject matter in claims 36 and 42-48, and for the indication, in the telephone interview, of allowable subject matter in proposed amended independent claims 11, 21, 33 and 40.

Claim Rejections - 35 U.S.C. § 112

Claim 3 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 has been amended to correct any confusion introduced by typographical errors.

Claim Rejections - 35 U.S.C. § 102

Claim 33 was rejected under 35 U.S.C. 102(b) as being anticipated by "W.O.W. Articulator Techniques."

As proposed in the telephone interview, Claim 33 has been amended to include the limitation of a thin membrane "formed at a die receiving surface of a working tray of a dental

articulator.”

As discussed with the Examiner in the telephone interview, W.O.W. does not teach or suggest forming a thin membrane at the die receiving surface of a working tray.

Accordingly, Applicants respectfully submit that the rejections under § 102 be withdrawn and that claim 33 be allowed.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 3, 4, 10-26, 28 and 37-40 (including independent claims 1, 11, 21 and 40) were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,788,489 (“Huffman”) in view of “W.O.W. Articulator Techniques.”

Independent claim 1 has been amended to incorporate the allowable subject matter of dependent claim 36 therein. Claim 36 has been canceled without prejudice.

As proposed in the telephone interview, independent claims 11, 21 and 40 have been amended to place them into condition for allowance. Specifically, independent claim 11 has been amended to include the limitation of a thin membrane “formed integrally with a working tray of a dental articulator.” Independent claim 21 has been amended to include the limitation of a thin membrane “formed integrally with one of the working trays.” Independent claim 40 has been amended to include the limitation of a thin membrane “formed integrally with at least one of the trays or formed at a die receiving surface of one of the trays.”

As discussed with the Examiner in the telephone interview, neither Huffman nor W.O.W. teach or suggest forming a thin membrane integrally with a working tray, or forming a thin membrane at a die receiving surface of one of the trays. Accordingly, independent claims 11, 21 and 40 now include limitations not taught or suggested by Huffman or the W.O.W. reference, and are in condition for allowance, as are any dependent claims which depend therefrom.

Claims 9 and 27 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,788,489 (“Huffman”) in view of “W.O.W. Articulator Techniques,” and further in view of U.S. Patent No. 4,439,151 (“Whelan”). Claims 9 and 27 each depend from an

independent claim that has been established above as allowable. Accordingly, dependent claims 9 and 27 are allowable for at least this reason.

CONCLUSION

In light of the above, Applicants respectfully submit that pending claims 1, 3, 4, 8-14, 16-22, 24, 26-28, 33, 37, 38, 40 and 42-58 are in condition for allowance. Therefore, Applicants request that the rejections and objections be withdrawn, and that the claims be allowed and passed to issue. If any impediment to the allowance of these claims remains after entry of this Response, the Examiner is strongly encouraged to call Garron M. Hobson at (801) 566-6633 so that such matters may be resolved as expeditiously as possible.

Ten (10) dependent claims, claims 49-58, were added herein, while five (5) dependent claims, claims 15, 23, 25, 33 and 39, were canceled. Accordingly, five (5) claims in excess of twenty total claims were added. A check in the amount of \$125.00 is enclosed herewith for the additional claim fees. No extension of time is necessary in which to timely file this response.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Response to Deposit Account No. 20-0100.

DATED this 6th day of June, 2006.

Respectfully submitted,



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ATTACHMENTS:

Declaration of Scott Gallacher